

UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Civil Action No. 20-CV-12600-SJM-APP

MICHIGAN GEOSEARCH, INC., a Michigan corporation,

Plaintiff,

**DECLARATION OF  
BRENT T. CALDWELL  
IN RESPONSE TO  
COURT'S ORDER TO  
SHOW CAUSE RE:  
SERVICE**

vs.

TC ENERGY, INC., a Canadian corporation,

Defendant.

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**DECLARATION OF BRENT T. CALDWELL  
IN SUPPORT OF PLAINTIFF'S RESPONSE TO COURT'S ORDER  
TO SHOW CAUSE RE: SERVICE AND REPORT OF SERVICE**

I, Brent T. Caldwell, submit this declaration based on my own personal knowledge, and, if called to do so, I could testify competently to the matters stated herein:

1. I am an attorney licensed to practice law in the State of Texas and have been admitted to practice before this Court. I am an associate attorney with the law firm of Bayko, Prebeg, Faucett & Abbott PLLC located in Houston, Texas, and am one of the counsel for plaintiff appearing in the above-captioned matter.
2. Our firm engaged a company specializing in international process service, Crowe Foreign Services of Portland, Oregon (hereafter "Crow"; <http://www.croweforeignservices.com/>) to personally serve Defendant TC Energy, Inc. at Defendant's corporate headquarters in Calgary, Alberta, Canada (<https://www.tcenergy.com/about/contact/>).

3. Through my efforts at effecting service, I learned that in Canada the equivalent of a registered agent for service of process was typically simply a management-level executive or corporate director. I found no other persons or entities designated by Defendant in Canada to receive service of process.
4. Crowe and other international process servers I interviewed reported that access to TC Energy, Inc.'s corporate headquarters in downtown Calgary, Canada, was tightly restricted due to strict COVID measures in place there, which the process servers believed would make personal service of TC Energy, Inc. difficult.
5. I attempted to find alternative service addresses for TC Energy, Inc.'s General Counsel and certain other executives and directors, but found no such information. The only addresses I found for TC Energy, Inc.'s General Counsel Mr. Keys and for other executives or directors listed on its website was the same corporate headquarters address in downtown Calgary.
6. In light of these facts, and after researching various international process servers to find one with the proper expertise and knowledge of service in Alberta, Canada, this firm retained Crowe to personally serve Defendant via its General Counsel Mr. Keys.
7. On December 17, 2020, Crowe wrote to reiterate Calgary's stringent COVID rules making access to Defendant's building difficult and seeking alternative addresses.
8. On December 23, 2020, Crowe again responded stating that due to COVID and the Christmas holiday there would be service delays.
9. I received no further word from Crowe until Monday of this week, December 28, 2020, when Crowe reported they had personally served Defendant's General Counsel Patrick Keyes on December 23, 2020, and that a process server affidavit would follow.
10. Finally, today, Thursday, December 31, 2020, Crowe sent me the process server's sworn,

notarized affidavit, showing Crowe personally served Patrick Keys at Defendant's corporate address in Calgary on December 23, 2020. I then filed that service affidavit with the Court (*see* ECF 6).

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing statements are true and correct to the best of my knowledge and belief.

Executed on December 31, 2020, in Houston, Texas.

  
BRENT T. CALDWELL